

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 653

Case No. 88-35

(North Capitol & Pierce Sts., N.E. - Map)

March 12, 1990

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on October 23, 1989. At that hearing, the Zoning Commission considered an application of Barry H. Stern, on behalf of the 1111 Limited Partnership, to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations, Title 11, Zoning. The hearing was conducted in accordance with the provisions of Section 3022 of the Zoning Regulations.

FINDINGS OF FACT

1. The application, which was filed on December 23, 1988, requested a change of zoning from C-M-3 to C-3-C for Lots 29, 816, and 817 and part of Lot 822, and from C-2-A to C-3-C for Lots 11 and 819 and the remainder of Lot 822. All of these lots are within Square 673.
2. The subject square is bounded by North Capitol Street on the west, Pierce Street on the north, L Street on the south and First Street on the east.
3. The subject site contains approximately 86,726 square feet of land area. All of the subject lots in Square 673 are located in the Northeast No. 1 Urban Renewal Area.
4. The subject site is currently improved with the Smithsonian Institution Service Center, a warehouse with a loading dock and a surface truck parking lot for the service center. The subject site also contains a grassy unimproved lot.
5. The C-M-3 District permits high bulk commercial-light manufacturing uses, to a maximum floor area ratio (FAR) of 6.0 and a maximum height of ninety feet with new residential uses prohibited.

6. The C-2-A District permits medium density mixed-use development, including facilities for shopping and business needs, housing and mixed uses to a maximum FAR of 2.5, with a maximum of 1.5 FAR for office and non-residential uses, and a maximum height of 50 feet.
7. The C-3-C District permits major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one hundred percent.
8. The subject site is located 3 1/2 blocks from Union Station and the U.S. Post Office building. The Greyhound/Trailways bus station is located approximately 1 block east of the subject site. The site is located 1 block from the D.C. Department of Public and Assisted Housing (DPAH), located on North Capitol Street between Pierce and M Streets. The Department of Housing and Community Development which was located in the same building as DPAH, has since moved to 51 N Street, 2 1/2 blocks north of the subject site.
9. The subject site is 2 1/2 blocks north of Union Center Plaza, a 1.4 million square foot office project located on a former RLA parcel rezoned to C-3-C in 1985. The first of many office buildings to be built as a part of the Union Center Plaza complex was recently completed at 1st and H Street, N.E. Two 90 foot high-rise office buildings are located on North Capitol Street between H and K Streets which are primarily occupied by the Veteran's Administration, the Government Printing Office and the Federal Energy Regulatory Commission.
10. Immediately south of the site across L Street is C-2-A and C-M-3 zoning in the northern portion of Square 674. To the west are R-5-C, R-4, and a small C-2-A zone. To the north is a C-M-3 zone, and to the east are a C-M-3 and an M zone. Further to the east are C-M-1 and R-4 zoning.
11. The subject site is subject to two development controls, those of the Northeast No. 1 Urban Renewal Plan and the Zoning Regulations. The more restrictive of the two controls would govern any proposed development. If the Urban Renewal Plan affects the lots of the subject site, then it will be applicable to any specific proposed development of those lots.

12. The subject site is designated "Industrial and Commercial" on the Lane Use map of the Northeast No. 1 Urban Renewal Plan.
13. The Comprehensive Plan Generalized Land Use Map designates the subject site for "Mixed Use Medium Density Commercial/Production and Technical Employment."
14. The development patterns in the area indicate growth in the medium to high density commercial office uses, rather than the industrial uses originally anticipated in the Urban Renewal Plan.
15. The applicant is requesting the zoning change to allow eventual redevelopment and expansion of the site. The applicant indicated that no residentially zoned property in close proximity to the subject site is adversely affected by this application.
16. The applicant has entered into a memorandum of understanding (MOU) with the ANC which will come into effect only if the Zoning Commission approves the current map amendment case. The MOU states that any future developments on the subject site provide: a day care facility, an opportunity for consultation with the ANC regarding site plans and a good faith effort to employ ANC 2C residents during construction of any development.
17. The applicant's land planning expert testified at the public hearing that the orderly development and use of the subject site is hindered by the existing zoning which permits industrial uses and medium density commercial uses which are of questionable compatibility with surrounding development. He testified that medium-high density office activities have become the predominant land use surrounding the subject site, rather than certain of the industrial and medium density commercial uses originally permitted for the area. He further stated that with the eastward expansion of the City's downtown and the recent development of the area as an office area, the site is particularly appropriate for commercial rather than industrial use and that the zoning should reflect that use. He stated that the requested rezoning is a logical extension of the prevailing land use trends in the area.
18. The expert land planner also testified that the C-2-A zone should be located near low and medium density residential areas. He noted that the C-2-A strip on the western portion of the subject site is not located near such an area since it is across North Capitol

Street from the 90 foot high Sibley Plaza apartment building located in the R-5-C zone. He noted further that the maximum allowable height in a C-2-A zone is 40 feet less than Sibley Plaza. He argued that from a land use standpoint, it is appropriate to have buildings of compatible height on both sides of North Capitol Street.

19. The expert land planner also testified that the requested map amendment would be in conformance with the Comprehensive Plan which designates the subject site for mixed commercial/production and technical employment use. In so doing, it recognizes the growing commercial character of the surrounding neighborhood. He also stated that the subject site is located in a "Special Treatment Area." Section 1122 of the Comprehensive Plan designates the Northeast No. 1 and Eckington Yards as a Special Treatment Area. One of the policies of the Northeast No. 1 Special Treatment Area is to "target the area for a new secondary lower rent office district." The land planner testified that the site is perfect for commercial office use
20. The expert land planner testified that under the Zoning Regulations, office development in the existing C-M-3 District requires 2.25 times more parking space than is required in the C-3-C District, and that office parking regulations for the C-2-A District require three times more parking than the C-M-3 District. He argued that these high parking levels are not necessary in an office environment which is efficiently served by public transportation. He argued further that such requirements would undercut the readily available transportation resources in the subject area.
21. The applicant's expert real estate appraiser testified at the public hearing that the highest and best use of the subject site is office use. He stated that market trends indicated that the preponderance of new and proposed development in and around the Northeast No. 1 Urban Renewal Area is for office use, not warehouse, industrial or manufacturing use. He testified that surrounding properties in the area, located on or near North Capitol Street, to New York Avenue are similarly affected. He further stated that many of the low rent office buildings downtown have been removed from the market and that, at present land costs in and near the Northeast No. 1 Urban Renewal Area can be affordable to some of the displaced businesses. In addition, the real estate appraiser testified that land prices in the area have already priced it out of the market for light industrial and production and technical employment types of uses.

22. The applicant's expert marketing and economic planning consultant, by report dated April, 1989, stated that the North Capitol Street area is ripe for good quality office space from a marketing, economic, planning and fiscal perspective. He noted that the success of Union Station and the publicity for the area has resulted in an image of the North Capitol Street area as an office location from both a developer's and tenant's perspective. He additionally testified that allowing more office space in this area of the City is not a question of detracting from another area of the City, but rather, an opportunity for allowing the City to capture office space which might otherwise not be built in the City.
23. The applicant's traffic engineer, by report dated August 1989, stated and testified that a rezoning to C-3-C would significantly reduce the number of parking spaces required to be provided for the site, thereby reducing the overall potential for increased traffic. He noted that from a traffic engineering viewpoint, the proposed rezoning for the subject site would be appropriate.
24. The District of Columbia Office of Planning (OP), by memorandum dated October 13, 1989 and by testimony presented at the public hearing, recommended that the current application be approved. The OP reported that the emphasis in the subject area has changed from industrial to commercial uses because of market forces and the accessibility of the Union Station Metrorail location. That increased accessibility to public transportation, notes OP, reduces the necessity of parking thereby making the C-3-C requirements more compatible with the area's parking needs. OP also noted that the subject application is consistent with the direction of their Small Area Study for the Union Station/North Capitol area.
25. The District of Columbia Department of Public Works (DPW), by memorandum dated October 18, 1989, noted that while it does not dispute the appropriateness of rezoning the subject property to C-3-C, the present capacity of the arterial streets in the area is insufficient to meet the current levels of demand or the increased levels which it expects will occur with development of the area. DPW also stated that a comprehensive transportation plan should be formulated.
26. The District of Columbia Department of Consumer and Regulatory Affairs (DCRA), by memorandum dated October 13, 1989, and the District of Columbia Department of Housing and Community Development (DHCD), by memorandum

dated October 27, 1989, stated no objection to the proposed map amendment.

27. The District of Columbia Department of Recreation (DCDR), by memorandum dated October 3, 1989, stated no objection to the proposed map amendment and that it is unlikely that the project will create new demands for new facilities or services normally provided by the department.
28. The District of Columbia Metropolitan Police Department, by letter dated October 12, 1989, stated that the current map amendment would "have little impact on the [police] department at this time." The Police Department also stated that it will not oppose the applicant's map amendment.
29. The District of Columbia Fire Department (DCFD), by memorandum dated October 6, 1989, stated that the rezoning "application does not appear to create any major or undue hardships on the daily operations of the Fire Department." The Department also stated that it has no objection to the map amendment.
30. The District of Columbia Office of Planning (OP) by memorandum dated December 29, 1989, stated that "the applicants' proposal is responsive to the shift from industrial to commercial uses for this area of the city." OP further stated "the proposed map change would encourage a better and more homogenous development of this section of the city between Union Station and New York Avenue than would be likely to occur under existing zoning. Accordingly, the Office of Planning believes that the proposed map amendment would be appropriate at this location.
31. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated October 10, 1989, noted that the momentum for office development in the subject area has reached a level where it would be difficult to cease. The Department also commented that perhaps such development should not be stopped.
32. Advisory Neighborhood Commission 2C (ANC 2C) voted unanimously to support the application. By letter dated October 23, 1989, ANC 2C stated that it believes that the change in zoning is "more sympathetic to the nearby residential areas." The ANC stated further that it was "concerned that the community have an opportunity to review the site plan of any future development to assure that its design is compatible with and complimentary to the existing structures." The ANC also stated that a daycare center should be provided as a part of any future development.

33. There were no parties or persons in opposition to the application.
34. The Commission concurs with the recommendation of OP and the position of DCRA, DHCD, MPD, DCFD, DCDR, and ANC-2C.
35. The Commission takes note of the memorandum of understanding with the ANC 2C. The Commission finds that the applicant has adequately interacted with the citizen groups in the area in order to address the concerns of the community.
36. The Commission finds that the requested C-3-C zoning is fully consistent with the Comprehensive Plan. The Commission also finds that the requested rezoning will be in furtherance of the goals of the Comprehensive Plan which targets the area for a new, secondary office district.
37. As to the concern of DPW, the Zoning Commission finds that the rezoning of this site will not cause adverse traffic impacts. The Commission believes that traffic in the subject area can be efficiently controlled through the use of traffic management and public transportation systems under the management of DPW. However, the Commission goes on record as agreeing that the impact on traffic of future development should be the subject of an objective Comprehensive Study.
38. As to the concern of the DFR regarding the rate of office development in the subject area. The Commission is mindful of that concern and intends to carefully monitor applications for zoning relief in the area until a comprehensive planning study has been completed.
39. The Commission finds that the applicant has satisfied the criteria of 11 DCMR 102.
40. The proposed action of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated March 7, 1990 indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Approval of this application is consistent with the purposes of the Zoning Regulations and Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-3-C will not have an adverse impact on the surrounding community.
3. Rezoning to C-3-C will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as set forth in the Zoning Regulations and Map of the District of Columbia.
4. Rezoning to C-3-C would not be inconsistent with the Comprehensive Plan for the National Capital.
5. Rezoning to C-3-C would be consistent with the Northeast I Urban Renewal Plan.
6. The Zoning Commission has accorded ANC-2C the "great weight" consideration to which it is entitled.
7. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following:

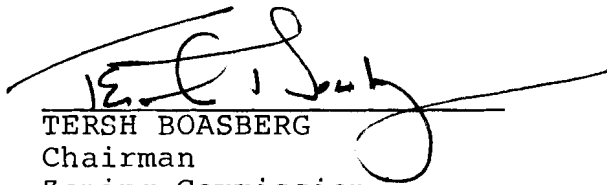
Change from C-2-A and C-M-3 to C-3-C for Lots 11, 29, 816, 817, 819, and 822 in Square 673, which is bounded by North Capitol, First, L and Pierce Streets, N.E.

Vote of the Zoning Commission taken at the regular public meeting on January 8, 1990 by a vote of 3-2: Lloyd D. Smith, and Maybelle Taylor Bennett, to approve and William Ensign, to approve by proxy; John Parsons and Tersh Boasberg, opposed).


This order was adopted by the Zoning Commission at its regular public meeting held on March 12, 1990, by a vote of 3-2: (Lloyd D. Smith, Maybelle Taylor Bennett, and William Ensign to approve, John G. Parsons and Tersh Boasberg, opposed).

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In accordance with 11 DCMR 3028, this order is final and
effective upon publication in the D.C. Register; that is, on
MAR 23 1990.



TERSHER BOASBERG
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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